

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**SMILEDIRECTCLUB, LLC,**  
414 Union St.  
Nashville, TN 37219

Petitioner,

vs.

**AMERICAN DENTAL ASSOCIATION,**  
c/o CT Corporation System  
208 S. LaSalle St., Suite 814  
Chicago, IL 60604

Respondent.

UNDERLYING LITIGATION:  
CASE NO. 3:19-CV-00845  
U.S. DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE

CASE NO.

**MOTION TO ENFORCE**

Petitioner SmileDirectClub, LLC (“Petitioner” or “SDC”), by and through its undersigned counsel, respectfully moves the Court to enforce its subpoena *duces tecum*, issued pursuant to Fed. R. Civ. P. 45 to Respondent American Dental Association (“ADA”), and overrule the objections that the ADA has tendered in response thereto.

On March 29, 2021, Petitioner served a subpoena *duces tecum* to the ADA seeking the production of documents responsive to 15 narrowly tailored requests relevant to the claims and defenses at issue in a nationwide putative class action lawsuit pending in the U.S. District Court for the Middle District of Tennessee, *Ciccio v. SmileDirectClub, LLC, et al.*, Case No. 3:19-845 (Trauger, J.). On April 13, 2021, the ADA served its objections and refused to produce any responsive documents. Subsequent meet and confers between the parties have been unsuccessful.

This Motion is supported by the attached Memorandum in Support, the Declaration of David A. Rammelt, and the exhibits to the Declaration.

WHEREFORE, pursuant to these facts, and the arguments presenting in SDC’s

Memorandum in Support of this Motion, SDC respectfully requests that this Court: (1) strike all of the ADA's objections for violating its duty of good faith in responding to a federal subpoena; (2) order the ADA to produce all of the requested documents within 30 days at the ADA's own expense; and (3) award SDC the costs and attorneys' fees incurred in connection with this Motion and such other relief as the Court deems just and equitable.

Dated: June 11, 2021

Respectfully submitted,

/s/ David A. Rammelt

David A. Rammelt

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